

1
2
3
4
5
6
7
8

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

12 || Shi'a Association of the Bay Area, et al., NO. C 07-03328 JW

13 Plaintiffs,
14 v.
15 Michael Chertoff, et al.,
16 Defendant

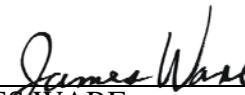
ORDER DENYING PLAINTIFFS' EX PARTE MOTION FOR A TEMPORARY RESTRAINING ORDER; SETTING HEARING FOR ORDER TO SHOW CAUSE RE: PRELIMINARY INJUNCTION

This is an action for a Declaratory, Injunctive, and Mandatory Relief under the Immigration and Administrative Procedure Act. (See Docket Item No. 1.) Before the Court is Plaintiffs' Ex Parte Application for a Temporary Retraining Order and Order to Show Cause Re: Preliminary Injunction. (See Docket No. 2.) The Individual Plaintiffs contend that on July 30, 2007, they will accrue 180 days of "unlawful presence," which will bar them from adjustment of status or re-entry into the United States for a period of 3 to 10 year. (Certification by Attorney Re: Service of TRO to Defendants.)

Having considered the papers submitted, the Court finds that the harm Plaintiffs allege they will suffer before a formal hearing is not irreparable. There is sufficient time for a hearing on an Order to Show Cause Re: Preliminary Injunction before Plaintiffs are at imminent risk of accruing over 180 days of “unlawful presence” in the United States. Accordingly, the Court DENIES Plaintiffs’ motion for a temporary injunction.

1 The Court GRANTS Plaintiffs' motion for a hearing on an Order to Show Cause Re:
2 Preliminary Injunction. Plaintiffs shall serve Defendants a copy of the Complaint, Supporting
3 Declarations and Memorandum, and a copy of this Order by **July 9, 2007**. Defendants are ordered
4 to appear on **July 23, 2007 at 9 AM** and to show cause, if any, why a Preliminary Injunction should
5 not be entered restraining Defendants from accruing against the Individual Plaintiffs days of
6 "unlawful presence" in the United States during the pendency of this action.

7
8 Dated: June 26, 2007



JAMES WARE
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 Jill Stanton
3 Attorney at Law
4 400 Montgomery St , Suite810
5 San Francisco, CA 94104

6 **Dated: June 26, 2007**

7 **Richard W. Wiking, Clerk**

8 **By: /s/ JW Chambers**
9 **Elizabeth Garcia**
10 **Courtroom Deputy**